

11 South Meridian Street  
Indianapolis, Indiana 46204  
(317) 236-1313  
(317) 231-7433 Fax

IN THE UNITED STATES PATENT OFFICE

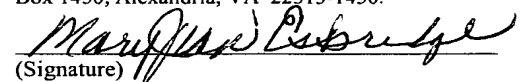
*Earliest Priority Date:* 25 December 2002 (25.12.02)  
*International Serial No.:* PCT/JP2003/016805  
*U.S. Serial No.:* 10/540,454  
*Invention:* CAPACITANCE DETECTING PROXIMITY SENSOR  
*Applicant:* ABE, Hiroshi  
*International Filing Date:* 25 December 2003 (25.12.03)  
*Attorney Docket:* 40433-78389 (Previously ABE)

Certificate Under 37 CFR 1.10

Express Mail No.: EV 633514035 US

Date of Mailing: 24 May 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
(Signature)

Mary Jean Eskridge

(Typed or Printed Name of Person Mailing Paper or Fee)

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Attn: DO/EO/US--Kaya L Lewis Baltimore  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed 10 May 2006 (10.05.06), applicant submits herewith:

1. original Declaration for Utility or Design Patent Application (37 CFR 1.63);
2. copy of Power of Attorney to Prosecute Applications Before the USPTO;

3. original Statement Under 37 CFR 3.73(b);
4. copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
5. Information Disclosure Statement;
6. Form Based on Form PTO 1449; and
7. copies of six foreign patent documents.

The surcharge fee of \$65.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date was paid on 22 June 2005 (22.06.05) with the lodging of the national papers.

It is believed that no fee is due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 10-0435, referencing attorney docket no. 40433-78389. A duplicate of this Response is enclosed.

Respectfully submitted,



Richard D. Conard  
Atty. Reg. No. 27321  
Attorney for Applicant

RDC/mje/810877v1  
Indianapolis, Indiana 46204  
(317) 231-7285

Attachments: 7 as stated above

Express Mail No.: EV 633514035 US



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/540,454	Hiroshi Abe	ABE

23643  
 BARNES & THORNBURG  
 11 SOUTH MERIDIAN  
 INDIANAPOLIS, IN 46204

RECEIVED

MAY 16 2006

BARNES &amp; THORNBURG

INTERNATIONAL APPLICATION NO.

PCT/JP03/16805

I.A. FILING DATE

12/25/2003

PRIORITY DATE

12/25/2002

CONFIRMATION NO. 1418

371 FORMALITIES LETTER



\*OC000000018728741\*

Date Mailed: 05/10/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/22/2005
- English Translation of the IA filed on 06/22/2005
- Copy of the International Search Report filed on 06/22/2005
- Preliminary Amendments filed on 06/22/2005
- U.S. Basic National Fees filed on 06/22/2005
- Priority Documents filed on 06/22/2005
- Specification filed on 06/22/2005
- Claims filed on 06/22/2005
- Drawings filed on 06/22/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

FOR M/S/Res  
 BY mae  
 DATE 18 May 06  
 CHD BY  
 DA  
 DOCKETS

*A copy of this notice **MUST** be returned with the response.*

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,454	PCT/JP03/16805	ABE

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT OFFICE

<i>Earliest Priority Date:</i>	25 December 2002 (25.12.02)	}
		}
		}
<i>International Serial No.:</i>	PCT/JP2003/016805	}
		}
		}
<i>U.S. Serial No.:</i>	10/540,454	}
		}
<i>Invention:</i>	CAPACITANCE DETECTING PROXIMITY SENSOR	}
		}
<i>Applicant:</i>	ABE, Hiroshi	}
		}
<i>International Filing Date:</i>	25 December 2003 (25.12.03)	}
		}
		}
<i>Attorney Docket:</i>	40433-78389 (Previously ABE)	}
		}

**CERTIFICATE UNDER 37 C.F.R. § 1.10**

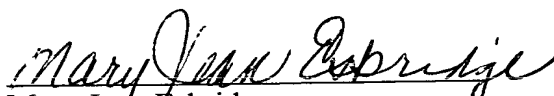
MAIL STOP PCT  
Attention: DO/EO/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Sir:

Express Mail" Mailing Label No.: EV 633514035 US

Date of Deposit: 24 May 2006 (24/05.06)

I hereby certify that this paper or fee is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.

  
Mary Jean Eskridge

Indianapolis, Indiana  
(317) 231-7303

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

ATTORNEY'S DOCKET NUMBER

40433-78389 (Previously ABE)

## TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/540,454

INTERNATIONAL APPLICATION NO.

PCT/JP2003/016805

INTERNATIONAL FILING DATE

25 December 2003 (25.12.03)

PRIORITY DATE CLAIMED

25 December 2002 (25.12.02)

TITLE OF INVENTION

CAPACITANCE DETECTING PROXIMITY SENSOR

APPLICANT(S) FOR DO/EO/US

ABE, Hiroshi

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☒ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 633514035 US
23. ☒ Other items or information:
  - a. Statement Under 37 CFR 3.73(b);
  - b. Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and
  - c. Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/540,454		PCT/JP2003/016805		40433-78389 (Previously ABE)	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee		\$300		\$	\$0.00
25. <input type="checkbox"/> Examination fee					
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).		\$100		\$	\$0.00
All other situations.		\$200			
26. <input type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100			
International Search Report prepared and provided to the Office		\$400			
All other situations.		\$500		\$	\$0.00
TOTAL OF 24, 25 and 26 =				\$	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	0 /50 =	0	x \$250.00	\$	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				PAID	
				22 June 2005	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$	\$0.00
Independent claims	- 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/>			+ \$360.00	\$	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$0.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$0.00
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>10-0435</u> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
CONARD, Richard D.					
BARNES & THORNBURG LLP					
11 South Meridian Street					
Indianapolis, IN 46204					
US					
Customer No. 23643					
SIGNATURE					
Richard D. CONARD, 24 May 2006					
NAME					
27321					
REGISTRATION NUMBER					